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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,213	07/15/2003	Edward Hosung Park	03-0020	8709

29293 7590 03/22/2005

FREUDENBERG-NOK GENERAL PARTNERSHIP  
LEGAL DEPARTMENT  
47690 EAST ANCHOR COURT  
PLYMOUTH, MI 48170-2455

EXAMINER

NUTTER, NATHAN M

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/620,213

Applicant(s)

PARK, EDWARD HOSUNG

Examiner

Nathan M. Nutter

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6 and 9 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 8, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 12-95 were cancelled in the Response to the Restriction Requirement that was mailed 7 January 2005. Only claims 1-11, drawn to the elected invention remain pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Martinez et al, newly cited.

The reference to Martinez et al teaches the manufacture of rubber composition comprising a cured fluorocarbon elastomer dispersed in a matrix comprising a thermoplastic material, wherein the thermoplastic material comprises a non-fluorine containing thermoplastic polymer, wherein the cured fluorocarbon elastomer is present at a level of greater than or equal to 35% by weight based on the total weight of cured fluorocarbon elastomer and thermoplastic material. Note the Abstract, components (a) and (c), the paragraph bridging column 1 to column 2 for weight percents, which at 35 to 80 weight percent embraces the cured fluorocarbon elastomer, as recited herein in claims 1 and 2. The fluoroelastomer may comprise repeating units derived from

Art Unit: 1711

tetrafluoroethylene and propylene, as recited in claim 3, may comprise repeating units derived from vinylidene fluoride and hexafluoropropylene, as recited in claim 6, at the paragraph bridging column 2 to column 3, or may comprise repeating units derived from tetrafluoroethylene and perfluoroalkylvinyl ethers, wherein the perfluoroalkyl vinyl ether contains 1 to 6 carbons in the perfluoroalkyl group, as recited in claim 9, at column 2 (lines 42-62).

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sakai et al, newly cited.

The reference to Sakai et al teaches the manufacture of rubber composition comprising a cured fluorocarbon elastomer dispersed in a matrix comprising a thermoplastic material, wherein the thermoplastic material comprises a non-fluorine containing thermoplastic polymer, wherein the cured fluorocarbon elastomer is present at a level of greater than or equal to 35% by weight based on the total weight of cured fluorocarbon elastomer and thermoplastic material. Note the Abstract and the paragraph bridging column 1 to column 2, which at 35 to 95 weight percent embraces the cured fluorocarbon elastomer, as recited herein for claims 1 and 2. The fluoroelastomer may comprise repeating units derived from tetrafluoroethylene and propylene, as recited in claim 3, at column 2 (lines 9-27), or may comprise repeating units derived from vinylidene fluoride and hexafluoropropylene, as recited in claim 6, at the column 5 (lines 57-61).

Art Unit: 1711

The references to Tabb ('866) and ('028) and Chmielewski are all cited of interest. Each reference is drawn to the manufacture of fluorine-containing elastomer blends. In both Tabb ('866) and ('028) a fluorine-containing elastomer and a non-fluorine-containing elastomer are blended and subsequently vulcanized. Note the Abstract of each. The reference to Chmielewski teaches the blend of a fluorine-containing elastomer with another fluorine-containing elastomer. Note the Abstract. Neither reference is deemed to present a bar to the patentability of the instant claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Nathan M. Nutter". The signature is fluid and cursive, with the first name "Nathan" being the most prominent part.

Nathan M. Nutter  
Primary Examiner  
Art Unit 1711

nmn

12 March 2005